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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/098,504	03/18/2002	Norihisa Takayama	018656-268	4424

7590

12/29/2005

Platon N. Mandros  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. BOX 1404  
Alexandria, VA 22313-1404

EXAMINER

TEACHEY, ROBERT

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/098,504	TAKAYAMA, NORIHISA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Robert Teachey	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 March 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| <p>✓ 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>✓ 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br/> Paper No(s)/Mail Date <u>06/07/02, 11/04/03</u>.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/> Paper No(s)/Mail Date. _____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____.</p> |
|--|---|

**DETAILED ACTION**

**Notice to Applicant(s)**

1. This application has been examined. Claims 1–18 are pending.

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

3. The information disclosure statement filed 11/04/2003 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

No translation is provided for Document Number 2001-524237.

4. The references listed in the information disclosure statement (IDS) submitted on 06/07/2002 have been considered by the examiner.

***Oath/Declaration***

5. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either an application data sheet or supplemental oath or declaration.

The post office address given on page 3 of the Combined Declaration is not the home address. Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 14-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 14 recites the limitation "A program executable by a computer to make a computer perform a routine ..." which is non-statutory. A program is functional descriptive material and is only statutory when embodied in a computer readable medium. See MPEP § 2106 IV.B.1.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomfield (U.S. Patent 6,023,345) in view of Gordon et al. (hereinafter referred to as Gordon) (U.S. Patent 5,291,302), and in further view of Okada et al. (hereinafter referred to as Okada) (U.S. Patent 6,876,462).

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With respect to claim 1 Bloomfield discloses a data transmission apparatus comprising: an e-mail transmission unit for sending e-mail (column 4 lines 50-60).

The apparatus disclosed by Bloomfield differs from claim 1 in that Bloomfield does not disclose a data forwarding unit for forwarding data to a prescribed storage area.

Gordon discloses a data forwarding unit for forwarding data to a prescribed storage area (column 7 lines 7-8).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Bloomfield wherein a data forwarding unit forwards data to a prescribed storage area. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Bloomfield by the teaching of Gordon so that Bloomfield's invention could deliver fax documents to a recipient who is not currently available (given the express suggestion of Gordon column 2 lines 30-32).

The apparatus disclosed by Bloomfield differs from claim 1 in that Bloomfield does not disclose a controller for controlling the e-mail transmission unit such that a tool program by which to obtain the data stored in the prescribed storage area is sent to a recipient using e-mail.

Okada discloses a controller for controlling the e-mail transmission unit such that a tool program by which to obtain the data stored in the prescribed storage area is sent to a recipient using e-mail (column 6 lines 42-45, 56-59).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Bloomfield wherein a controller for controlling the e-mail transmission unit such that a tool program by which to obtain the data stored in the prescribed storage area is sent to a recipient using e-mail. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Bloomfield by the teaching of Okada so that Bloomfield's invention could promptly notify the process result via a network (given the express suggestion of Okada column 2 lines 49-50).

10. Claims 9 and 14 arguments are analogous to those presented for claim 1 therefore the arguments presented for claim 1 are applicable.

With respect to claim 2, Bloomfield discloses a recognition unit for recognizing e-mail transmission errors (column 16 lines 47-48), and wherein the controller controls the e-mail transmission unit such that the e-mail transmission unit sends to the recipient a first e-mail to which the data is attached (column 2 lines 62-65) and where a transmission error is recognized by the recognition unit in connection with the first e-

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mail, the controller controls the e-mail transmission unit (column 13 lines 18-22, 26-33).

Okada discloses such that the tool program is sent to the recipient using a second e-mail (column 6 lines 61-62).

11. Claims 10 and 15 arguments are analogous to those presented for claim 2 therefore the arguments presented for claim 2 are applicable.

With respect to claim 3 Bloomfield discloses a data transmission apparatus wherein the prescribed storage area comprises a storage unit residing inside the data transmission apparatus (column 6 lines 20-21).

With respect to claim 4 Bloomfield discloses a data transmission apparatus, wherein the prescribed storage area comprises an external device other than the data transmission apparatus or a storage unit inside the external device (column 5 lines 1-5, 35-38).

With respect to claim 5 Gordon discloses a data transmission apparatus, wherein the tool program includes access information based on which the recipient can access the data stored in the prescribed storage area (column 14 lines 9-15).

12. Claims 11 and 16 arguments are analogous to those presented for claim 5 therefore the arguments presented for claim 5 are applicable.



With respect to claim 6 Gordon discloses a data transmission apparatus, wherein the access information is incorporated in the tool program in a form such that the confidentiality of the access information is maintained (column 14 lines 33-36).

13. Claims 12 and 17 arguments are analogous to those presented for claim 6 therefore the arguments presented for claim 6 are applicable.

With respect to claim 7 Bloomfield discloses a data transmission apparatus, wherein the data to be handled includes image data (column 6 line 56).

14. Claims 13 and 18 arguments are analogous to those presented for claim 7 therefore the arguments presented for claim 7 are applicable.

With respect to claim 8 Bloomfield discloses an image reader for reading an image of an original document to obtain image data thereof (column 5 lines 13-17), and wherein the data to be handled includes the image data obtained by the image reader (column 6 line 56).

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### ***Conclusion***


15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Teachey whose telephone number is 571-272-2906. The examiner can normally be reached Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RT

Robert Teachey

  
MARK WALLERSON  
PRIMARY EXAMINER